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VIA ECF

The Honorable Sidney H. Stein
United States District Judge
United States District Court for the
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: United States v. Nadine Menendez, (S4) 23-cr-490 (SHS)

Dear Judge Stein:

I am writing to the Court to follow up on our recent colloquy with Your Honor about advance defense proffers of anticipated witness testimony. While I previously have objected on due process and fundamental fairness grounds to a requirement that only the defense provide such proffers, and very respectfully maintain that objection, I acknowledge that some authority does exist for requiring such defense proffers. *See United States v. Graham*, 663 Fed. Appx. 622, 625-27 (10th Cir. 2016) (citing cases). Regardless, requiring such proffers is the unambiguous ruling of the Court, and I am writing to confirm that, by no later than the end of the coming weekend, prior to resumption of trial proceedings on Monday, we will provide substantially more detailed proffers concerning anticipated defense witness testimony. I also write to indicate that as of this time, I believe I am ethically unable to proffer anticipated defense testimony from Fred Daibes, though I hope that will change during the course of tomorrow and the coming weekend.

Respectfully submitted,



Barry Coburn